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First and foremost, I congratulate all who have staked out a position supporting student and parent rights before the Department of Education. I congratulate you for helping this school board to realize that it had to make some changes for the better. I congratulate this state board for addressing some of the issues of the petition drive. On behalf of the NJ Student Advocacy Union and the signers of the petition drive, congratulations for changing the proposal so that short term objectives will be maintained for all special education children. I congratulate all for adjusting language so that the amount of time a child can be placed in isolation, homebound or otherwise will not be extended.

The NJ Student Advocacy Union calls upon the state board to maintain its position in these areas and we stand ready to assist in defending this board and allying with this board around these questions. The district associations are trying to flex their political muscle – we must not cave to that. Our union is watching closely and we aim to assure that this board stick to its position in these regards.

There are many serious issues in IDEIA 2004 that this board needs to address. The NJ Student Advocacy Union remains steadfast with the 2000 petition signers around these questions. Work is needed around the discipline proposals and the proposed elimination of stay put.

Those with challenges are the most scrutinized students. They can be ostracized, picked on, bullied. Situations like an unruly corridor, a chaotic lunch room, dissembled moments in class are extremely challenging to some.

When a child with behavioral disabilities acts out, it is often the circumstance that touched off the behavior, be it a bully, a chaotic setting, a communication misunderstanding, or many other potential causes. Diminishing the full evaluation of these factors and you are looking through a lens of distortion.

We continue to call for emergency action to address the issues of racial disparities in special education. The discrepancy between the suspension and expulsion rate of students with disabilities of color and their Caucasian counterparts needs to be eliminated. Make it easier to suspend and expel and you will widen this gap – instead you need to be working overtime to close that gap.

NJ is spending \$20 million on bringing special education students into the regular schools. The thrust is a good one but the districts will be learning as they go. Mistakes will be made and behaviors will result from district missteps. Diminished consideration of disability in assessing consequence including suspension and expulsion is a recipe for failure during the shifting priorities given this \$20 million initiative.

The zero tolerance policies, which some refer to as zero intelligence policies, that most districts have adopted punish

victimizer and victim when it comes to bullying. These policies are ill advised for typical students but when applied to children with behavioral disabilities, who are easily manipulated, who have difficulty communicating their side of a an incident, who are more closely scrutinized, who are often targets of harassment, teasing and physical assault, it is a blueprint for failure. The state needs to decide if it wants greater inclusion as Corzine's 20 Million budget item would imply, or if it wants to tighten discipline procedures on special education and force scores of children with disabilities out of the mainstream and in many cases, out into the streets.

We call upon this state board to place a moratorium on those discipline changes of IDEIA 2004 – as it devises its inclusion strategy. Do not jeopardize the potential of the inclusion initiative with unrealistic discipline expectations.

Otherwise, too many of our special education children will be suspended and expelled, be discarded by the system, while districts cut their teeth and make their mistakes on their ramped up inclusion initiatives.

On the subject of dismiss-ability of the regular education teacher from the IEP meeting, as one of our signs today states, it takes about \$15 to hire a sub to cover for the meeting. The input of the teacher is precious to determine what the teacher needs to be successful with that special education child in her class. You put notification and approval requirements in the proposal but that will only provide wiggle room to districts. Parents are not necessarily aware of the educational role – the good educational policy – that having the regular education teacher there means.

The federal DOE has commissioned studies as to how much can be saved by limiting IEP meetings to 15 minutes. That is where it is heading with trying to diminish the collaborative nature of IEP meetings. There are many other more dramatic costs to education – without obsessing over the mere \$15 cost to cover an IEP meeting with a regular ed teacher. It is sound education policy for the regular teacher to attend the IEP meeting and it is a very cheap investment in resources.

With the \$20 million initiative for inclusion, you want to be successful in those regards. That success depends on full participation of the regular education teacher who knows what is needed in the classroom to be successful.

We are steadfast in our position in support of all 11 points of the petition. Mid-year progress reports must be maintained. Statute of limitations must be removed. Mediation delays must be removed. Parents must always be notified. The Student Advocacy Union will continue to struggle around these questions here in Trenton and out in the districts. We have only just begun!

The New Jersey Student Advocate

A publication of The NJ Student Advocacy Union
Spring 2006, "The Second Issue" Volume 1, Issue Number 2
"Standing up for the rights of all students including those facing adversity
due to disability, racial disparity and economic inequity"

Visit today: <http://StudentAdvocate-NJ.org> / 908-881-5275

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Paid for by members and supporters of and donors to the NJ Student Advocacy Union

NJ Student Advocacy Union: One Big Parents / Students Union!

We call upon parents, guardians, students, advocates, other family members and supporters of students with disabilities and all who face adversity in New Jersey public schools due to racial, economic or other disparities. In recent months, we have been engaged in a mounting conflict with the NJ Department of Education and now with the New Jersey Board of Education, to uphold rights and protections of children with disabilities and their parents and guardians. We now come together to call for the formation a new organization, The NJ Student Advocacy Union, to carry forth this a political struggle on behalf of our children and their advocates.

We are forming this parent/student union to carry this movement forward in a more organized and unified way, and to empower parents to improve our potential for success around the issues outlined in the 2000 strong IDEIA 2004 petition that has been organized through The Student Advocate Website

<http://StudentAdvocate-NJ.org> and The New Jersey Student Advocate newspaper. We will also press for emergency action to eliminate racial disparities in special education in New Jersey and to address language related special education issues including the lack of adequate communication in Spanish and other languages by the Office of Special Education. We need to raise our voices in unity to make sure that our children's education provides the life skills needed to produce a healthy, strong-minded and complete individual --ready to meet all challenges and successes of life.

We believe that in order to carry this effort forward with maximum effectiveness, we need to organize a new body that is completely independent from the New Jersey Department of Education, from local and county school districts, does not receive nor seek funds from any government body or agency and is not defined as a 501C3 non-profit agency. This organizational structure is important for our new Union as it will ensure us the independence and autonomy to address our issues of concern with full political freedom.

Our formation of a parent/student advocate union is not meant as a critique of other existing organizations. There are many organizations in the state of New Jersey and in our local communities that do tremendous work on behalf of students and families. However, either due to their governmental funding or their non-profit status many groups are legally restricted from certain types of political action that are integral parts of our effort, including taking a position on electoral issues. With regard to organizations connected to

local districts, most of these are either unwilling or unable to take a position on an issue related to IDEIA 2004 and how it is implemented in New Jersey that is at odds with their district's position. Many of NJ's non-profit education and disability advocacy organizations have not addressed the issue of how IDEIA 2004 is addressed in New Jersey.

On the other hand, there are organizations that are addressing these issues. Our goal will be to unite with such organizations whenever possible and at the same time to pursue all avenues at our disposal to further our goals. To that end, we will seek as much unity as possible to enable our communities to pursue these other means of advocacy and political participation that many important organizations are unable to due to their funding and their legal definition.

OUR METHODS

The most fundamental principle of The NJ Student Advocacy Union is to organize parents to publicly speak out, demonstrate, testify, and if need be march and vote for the best interests of our students. We will do our best to communicate developments as widely as possible around issues of concern to our students and continue to propose courses of action. We will invite other like-minded organizations to work with us and we will support initiatives of other groups when they are consistent with our goals.

We promote active engagement of the families and supporters of NJ's 225,000 special education students and public pronouncement of our positions. We aim to empower parents to get over their fears of speaking out so that we can be much more effective in communicating massive opposition to the demise of rights and protections for students with disabilities and their families.

We believe in the ability of communities to overcome any and all obstacles through unified and cooperative efforts, open dialogue, active opposition to oppressive policies and a willingness to take risks - to take the steps that prove necessary to overcome those obstacles.

At the local level - we support the creation of watchdog organizations that monitor and speak out on behalf of special education students to the administration and when need be at board meetings. We also support the idea of electing special education parents and special education friendly candidates to local school boards.

Use the coupon on Page 4 of this newspaper to sign up as a member or supporter of the NJ Student Advocacy Union.

For more information or if you have any questions, write to Advocate@StudentAdvocate-NJ.org , call 908-881-5275 or visit <http://StudentAdvocate-NJ.org> .

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Put Special Education Parents on the Local School Board!

One challenge we face as special education parents is lack of political clout. In some towns, special education parents run for school board. And sometimes they win!

Why don't we field candidates in as many districts as possible in the 2007 school board elections? We can start immediately by circulating within each town that we are looking for a candidate.

One problem with the approach is that while there are a growing number of special education students in every district, we are still a numeric minority in comparison with parents of "all typical" families. Before you get discouraged by that issue, consider the following:

Even if our candidate does not win, if we can corner a decent portion of the vote of families of special education families, we can demonstrate our potential voting block. In a subsequent year, that voting block can be used either to create a slate in alliance with other candidates or to approach other candidates about their positions on concerns of our special education communities.

If our candidate plays a leadership and principled role around other education and community issues, s/he can win support of other parts of the community.

As we explore the plan to field a candidate in our district, we can at the same time find out who else is planning to run and see what the positions are of the other candidates. There could be potential for a slate where our constituency could be combined with the constituency of one or more other candidates.

In these and other creative ways we can increase our voting

strength. Our candidates can lay out clearly a platform of support for special education students as well as a progressive pro-education position around other education issues. We can take informed positions and clear positions.

One potential consequence of such a campaign, in some towns, backlash could be slung against children with disabilities. We have all seen negative campaigning and local board campaigns often get ugly. It is becoming clear that even without such local board campaigns, backlash scapegoat poli-tricks are being used to promote hatred and animosity against our children. By running a campaign, we would have a platform to refute and dismantle the falsehoods promoted in such venomous drives against our children.

This strategy would not solve all of our problems and will be met with various levels of success from town to town. However it is one tool that we have yet to explore toward the greater political empowerment of our children. The NJ Student Advocacy Union is interested in working to promote and support those bold special education parents who are ready to take up the electoral challenge on behalf of our children. As for our candidates, they need to be held accountable to their constituents. Support them but if they turn their back on our children, cut them loose.

If you are interested in running for local school board as an advocate of children with disabilities, write advocate@studentadvocate-nj.org or call 908-881-5275. We hope to be able to help you get started and we can facilitate contacts between other special education candidates around the state to share strategy and tactics.

Distribute the NJ Student Advocate!

If you are interested in helping to distribute this newspaper in your community, at meetings, etc., or want to contribute toward its publication (we can ship you copies 10 cents each plus postage), call 908-881-5275 and send checks payable to NJ Student Advocate to PO Box 1214, Belle Mead, NJ 08502-6214.

In this issue

This second issue of the NJ Student Advocate, a publication of The NJ Student Advocacy Union (<http://StudentAdvocate-NJ.org>) is a tool to promote maximal rights of students with disabilities and their parents and guardians. The first issue highlighted the petition and letter writing drive around the harmful law changes being handed down due to the passage of IDEIA 2004 revisions to the Individuals with Disabilities Education Act (IDEA). As a result of our effort and the effort of many other organizations and thousands of parents, the state code draft currently being considered has been improved. In the current draft, short term objectives are being maintained for all special education, the amount of time a child can be placed in an alternative interim placement (often homebound) will not be increased by 33% and NJ is not now part of the 3-year IEP pilot program. (See inside for more details.)

This newspaper heralds our formation of the NJ Student Advocacy Union, a new statewide organization that was founded by 40 parents and advocates around the state to continue to work for the political empowerment of special education children, their parents and other advocates and supporters. We are a "parents union" and we aim to impact decisions that effect the lives of our children at the local, statewide and together with similar organizations from other states, on a national basis.

In the first issue, we called upon parents to "state clearly" to the NJ Department of Education: "Not one step backwards for special education students and their families!"

Now with this issue, we hope to harness the momentum from these efforts to build a political activist movement that continues to struggle for better FAPE for our children.

In this issue, we highlight the many paths a parent advocacy political movement can take. We offer strategies for organizing at the local level including running candidates for school board, surveying special education families, using the state complaint process, how to organize and how to approach school board meetings. We report on such efforts in Woodbridge, NJ.

We include commentary on the changing playing field after the Supreme Court Schaffer decision. We call for an effort to pressure NJ to pass legislation establishing that districts have the burden of proof.

We include a discussion on the "scapegoating" of special education children which is getting to be more rampant.

We discuss the state investigation of bloated district administration costs and propose an investigation into overspending on litigation against our children.

Most of the articles include "how to" information and offer to help you in your efforts at the local level. Hopefully you will take us up on that offer.

Turn these pages and you are turning the pages of history.

For the Rights of Our Children!

Efforts Yield Partial Victory - Including Short Term Objectives!

In a tremendous victory for students, parents, advocates, families and supporters of NJ public school students with disabilities, the latest released version of NJ code revisions will maintain short term objectives for all special education students! Specifically, the words "where applicable" were deleted from the statement (deleted words in brackets):

"Individualized education program" (IEP) means a written plan [developed at a meeting according to N.J.A.C. 6A:14-2.3(i)(2) which sets forth present levels of academic achievement and functional performance, measurable annual goals and, where applicable, short-term objectives or benchmarks. . . ."

All of the parents, students, supporters, advocates, organizations and individuals who signed petitions, wrote letters, rallied in front of the NJ Department of Education building, spoke inside at the testimony sessions, called in their comments or otherwise stood up to demand that short term objectives, along with other protections, be maintained in NJ code should "stand up and take a bow!" The list is long and not limited to The NJ Student Advocacy Union, the Statewide Parents Advocacy Network, ARC of NJ, Special Education Leadership Council, A Parents Initiative for Every Child's Education, Parent Information Centers, the many local parents groups that made this a priority, the 50 Strong for Our Children Campaign, the 100 Letters for Our Children campaign, the 2000 Strong petition for student rights, the NJ Student Advocate Website (<http://StudentAdvocate-NJ.org>), the NJ Student Advocate newspaper, those who rallied outside the State Board office on January 17 2006, those who testified at hearings and in writing, the musicians who played at the "Playing and Singing for Our Rights" concert on April 1, thousands of parents and other supporters who stood up to be counted, should proudly bask in a moment of joy of this partial victory that has the potential to improve the lives of 225,000 special education students currently enrolled in NJ public schools and hundreds of thousands more to follow!

Another issue on the 11 point petition - launched on March 30, 2005 - that we might prevail upon is the point regarding the length of time for which a student can be remanded to an alternative learning environment. The amount of time which would have been increased from 45 calendar days to 45 school days (from 6 weeks to 9 weeks) is now slated to stay at the current length of 45 calendar days. This change is another victory for our advocacy movement.

Another issue from the petition drive was the idea of 3-year IEPs. NJ is not currently looking to participate in the 3-year IEP pilot. However, shortly before the petition drive was launched - Barbara Gantwerk sent a letter to school districts asking their input as to whether NJ should attempt to impose 3-year IEP's.

Thus our efforts could have also prevented that travesty from occurring.

There is one other point on the petition drive that has not been in much contention: it looks like the state will not increase the age at which transition support must be included in the IEP to age 16 as federal law now allows.

So 4 of the 11 petition points are looking good at this point.

These victories are the result of the sum total of all of the efforts, from all the varied perspectives, in all of the styles, that have transpired. There is no telling what would have been different if there had been any less activity on our part or if anyone who has taken a position on the issue had changed anything at all that they have done.

That said, we still have a great deal of work to do. The other 7 points on the petition are still unresolved. On the issue of refusal of the regular education teacher from the IEP meeting, according to the current draft, districts now must get 10 days written advance notice to dismiss the teacher. They are not supposed to do it on the spot at the meeting. However, there is enough wiggle room that the current draft provides to allow districts to get away with dismissing the regular education teacher.

Other petition issues that we still stand to lose include mid-year progress reports, stay put, current manifest determination protections, frequency of notification of parental rights under IDEA, forced state mediation hearing and a 30 day delay awaiting a school decision for such a hearing and the two-year statute of limitations of district legal accountability. Each of the 7 points not addressed in the latest draft are of extreme importance and deserves our full focus. We need to be particularly concerned about the discipline related changes, manifest determination and stay put. These protections are important to all special education students. These changes could exacerbate the gross racial inequities in NJ special education and how discipline is meted to special education students across NJ.

Furthermore, given improvements in this draft over the last one, there could be a backlash from school administration associations to try to push back.

Therefore we need to maintain full court press. We also need to channel the momentum of our efforts into a movement aimed at the political empowerment of children with disabilities and their families. Currently, administrator associations, school board associations, teachers associations, professional associations and other political forces have the upper hand in Washington DC, Trenton and in the local board offices. We need to change that equation. That is what the NJ Student Advocacy Union is all about. Contact us. Join us. **Don't just observe history - play an active role in making history!**

Organize an education advocacy meeting in your community

The NJ Student Advocacy Union would like to work with you to raise issues of concern and help promote awareness around special education rights. An effective means of presentation is to combine IEP training together with a brief introduction to the concepts of community organizing and collective political activism upon behalf of our children. That way, our presentation meets an immediate need of participants and encourages greater organization and unity among parents. If you would like to work with us toward organizing such a meeting in your community, call today at 908-881-5275 or write advocate@studentadvocate-nj.org

Manifest Determination Protections, Stay Put, Still on the Chopping Block in NJ!

In the article above we detail some of the gains our efforts have made in NJ to improve the implementation of IDEA 2004. While we congratulate all who participated in making this happen, we are dissatisfied that the NJ State Board of Education has not addressed the issues of manifest determination and stay put which are two of the most critical points of the petition drive. Special education in NJ is wrought with racial disparities as has been documented in a 2004 report entitled "Still Separate, Still Unequal."

<http://www.njddc.org/sep-uneq.htm>

Part of this problem is that special education students of color are more likely to be suspended or expelled than Caucasian special education students. In such a situation, it is unconscionable that NJ would do anything that will worsen these disparities. By failing to address the petition concerns of Stay Put

and Manifest Determinations, that is exactly what NJ is doing.

Is NJ genuinely concerned about the elimination of racial disparities in discipline of special education students? If so, then how can it do anything that will only make it easier to suspend and expel special education students - or to push them out of their current placements? These changes hurt all of our children and could increase racial disparities in special education.

The NJ Student Advocacy Union says that the NJ BOE must go back to the drawing board on these questions. We urge all to continue to press around the points of stay put and manifest determination protections by writing to: Lucille.davy@doe.state.nj.us and comments6A14@doe.state.nj.us. Get your comments in before June 21 as that is when the current comments period is slated to end.

Woodbridge Parents Campaign for Empowerment

by Evelyn Delgado, For more info: Joyzee_Devil@yahoo.com

My son and daughter both are ASD. Only after they were diagnosed and I became more active in their education did it come to my attention the lack of representation of special needs children at every level of the education system. And I was not the only one who noticed the lack.

This is why for the last few years a handful of parents have come together in the Woodbridge area to achieve this goal. Our aim is to obtain a place for parents of ASD children on the local PTOs. We make every effort to be involved in the various educational and support programs currently available. From CUBS meetings to School Board hearings, from local township associations to county wide groups, we are attempting to have our voices heard.

Currently in Woodbridge Township, we have established a PTO just for special needs parents called P.A.C.E. With the support of this and other groups we have had at least one parent run for the township board of education for the past two years. While she hasn't won, her and our support has been growing. At the least we are getting our message out there and some of our issues are being heard.

This is not an easy task; as a given, parents don't have a lot of spare time and special needs parents have even less. Attending meetings, gathering support, campaigning and logistics combined with the various therapies, appointments and care for our children makes for a grueling pace and hectic days. Our schedules are tight, but every little bit helps and we can all do our part. At the least some parents have come together to offer respite care so that others can attend board of education, PTO, CUBS and PACE meetings. We have taken every opportunity to advance our concerns, even to attending hearings at the State Board of Education Meetings in Trenton to speak on behalf of their children.

We offer support and understanding to each other, comfort and most importantly a dissemination of information. Our goal is to be a voice for those in our community who should be heard. Our concern is the lack of representation for those that have the most to lose. Our objective is a united front in, at the least, maintaining and whenever possible advancing the developmental and educational programs for those that need it most.

Act Locally for Special Education Rights

How can special education parents assert themselves collectively for better treatment of their children by local school boards and districts?

There are many paths that such an effort can follow. Most preferred would be for cooperative relationships to exist between district administration, school board and parents. Unfortunately, there are often contradictions between the interests of children and the way that districts administer special services. The playing field is increasingly uneven given changes of IDEA 2004 and recent court decisions including Schaffer which shifts the burden of proof to the bringer of action, usually the parent fighting for FAPE.

While NJ will be setting up Special Education Advisory Boards that are connected to district administrations, these bodies might have difficulty taking positions independent of the administration and board and publicly challenging the boards when need be.

Firstly, we would encourage the formation of organizations that are independent of the local school board and administration. The few perks you might get, like meeting space and information distribution, from attaching to your district, are outweighed when it comes to the need to be able to challenge a problem within the district. If you are interested in forming a chapter of the NJ Student Advocacy Union or an organization that is affiliated with us, please do contact us. We will do what we can to help you get started.

An independent organization sometimes develops out of some systemic issues at the local level. Sometimes the issues are as clear as day, like wholesale denial of services and other IEP violations. Other times, the issues can be felt by many, but the common threads need to be ironed out. A helpful starting point could be a survey administered by the organization to try to identify the most common issues students and families are facing.

Once the organization comes up with a set of issues that it wants to address, plans can be made to attend a board meeting by as large a group of parents as possible. A couple of spokespersons can be selected. The individual cases can be presented to the board in anonymous fashion by the spokespersons as "In case 'A', a student in such-and-such situation is facing this problem . . ." That way privacy is protected and potential retaliation against families is minimized.

Another important tool of parent organizations is the state investigation and complaint process. Information about this process is available at:

<http://www.nj.gov/njddc/special/ed/complaint/>

The complaint process is for when a district fails to follow an IEP, be such failure for one student or for many. By following the proper guidelines, and by structuring your investigation request to include your own child and any and all other children in the dis-

trict who could be in a similar predicament, many can benefit. When the state finds in favor of the child, you can choose to inform the media about the result and the state will confirm their findings if contacted by a reporter. You do not need to have an organization to file a complaint, just a parent who is willing to do her homework and to act on behalf of her own child as well as others. An organized effort though can bring to light more quickly the systemic nature of such problems.

Mansfield and Upper Freehold are two districts where recently one or more parental complaints led to action by the state to restore speech services to several dozen students.

As discussed in the page 1 article on running candidates for school board and on the page 2 article about the Woodbridge struggle for parent empowerment, another initiative we can take locally is to run special education parents for school board. Short of actually fielding candidates, we can develop surveys of special education related questions for board candidates. We can inject our concerns into any debates and if any of the candidates speak to our issues, we can offer endorsement. Of course, should they fail to follow through on their pledges, cut them loose!

LOCAL EFFORT FOR SPECIAL EDUCATION RIGHTS

As a follow up to the statewide struggle for rights of our children, we can continue to the effort at the local board level. Whatever points of the petition that the state falls down upon, we can take them up with the local board and craft resolutions accordingly.

PITFALLS

There are many obstacles to organizing at a local level. Often upon attempts to organize, the first couple of meetings are gripe sessions but things fizzle out once the work is on the table or it is time stand forward. There is a tendency to want to attach the parents group to the administration and school board. There is nothing wrong with occasionally co-sponsoring an activity with the district but in order to be able to successfully advocate for the children, independence from the district is a must. You can usually find free meeting space at a local library and develop your own networks for distribution of materials. For expenses, you can take up small collections or utilize fundraising. The little bit of extra work to maintain your independence, instead of taking handouts or free meeting space, will enable your organization to struggle far more effectively and to maintain the highest principles of support for the most beleaguered students in the district.

The NJ Student Advocacy Union is on standby, waiting for your call for help. We can help you get started with a chapter of our organization, an affiliated organization or any independent organization that is ready to take a strong and principled stand for the students of your district. Call or write today! 908-881-5275 / advocate@studentadvocate-nj.org

The next issue of *The NJ Student Advocate* which will publish this fall with the start of the new school year will offer ad space to supportive services, businesses, individuals, etc. For information about suggested donations for a business card ad, please call 908-881-5275 or write Advocate@studentadvocate-nj.org.

We can also place your information in the cover letters we will use to mail this newspaper in exchange for a donation to assist with postage costs.

Contact us accordingly!

Get Up! Stand Up!

(Marley / Tosh, Slightly modified by Bob Witaneck)
Sung outside hearings on January 18

Get up, stand up: stand up for our rights!
Get up, stand up: stand up for our rights!
Get up, stand up: stand up for our rights!
Get up, stand up: don't give up the fight!

Teachers and Directors . . . We want our plea to be heard
We want you to know . . . What our life is really worth.
We want our message to be told
We need FAPE before we get old!
So now we see the light!
Stand up for our rights

Get up, stand up: stand up for our rights!
Get up, stand up: don't give up the fight!
Get up, stand up: stand up for our rights!
Get up, stand up: don't give up the fight!

We sick an' tired of these district games
The scheming and scamming and blaming . . . for shame
Right here we take our stand
Coz we need a better IEP plan

You can fool some people sometimes,
But you can't fool all the people all the time.

So now we see the light
We gonna stand up for our rights!

So you better:
Get up, stand up!
Stand up for our rights!
Get up, stand up!
Don't give up the fight!
Get up, stand up! (Get up, stand up!)
Stand up for our rights! (Get up, stand up!)

Get up, stand up! (. . .)
Don't give up the fight! (Get up, stand up!)

Get up, stand up! (. . .)
Stand up for our rights!
Get up, stand up!
Don't give up the fight!

We've only begun to fight
We've only begun to fight!

How Much Is Your District Spending to Litigate Against Special Education Parents?

The article below highlights an investigation by the NJ SCI into perks and inflated salaries of local school administrators. Perhaps the next area the SCI should investigate is how much of NJ special education funds go to litigate against parents and provide legal advice upon how to sidestep or minimize IDEA compliance. These are funds expended for the anti-education of special education students.

This would be an interesting project if in every school district, our local organizations or individuals were to start making inquiries of the local district as to how much is being spent on litigating against students. If the SCI won't take up the project, perhaps we should. If there is interest in such an undertaking, contact the NJ Student Advocacy Union at 908-881-5275 or Advocate@studentadvocate-nj.org.

NJ Investigative Report Documents Bloated Administration Costs

by Suzie Fiordland sfiordland@netzero.net

There have been recent accusations on the amount of expenditures on special education. It is the opinion of this writer that, "strong words represent a weak cause". The DOE, Superintendents and Principals' associations, the School Boards associations and local administrations have focused attention and promoted fear among local citizens regarding how Special Education is "draining" the school system dry. There is another explanation that comes to mind...the often outrageous spending and uncontrolled salaries and perks of Administration. The following link is to the NJ Commission's Executive Summary of the investigation of 71 Urban and Suburban school systems regarding Public School Administration spending: <http://www.state.nj.us/sci/pdf/SCIHigherEdReport.pdf> The following is an excerpt:

"Over the course of its inquiry, the NJ Commission examined multiple contracts and employment arrangements involving 334 administrative personnel in 71 urban and suburban school systems, including state-operated and so-called "Abbott" districts, vocational-technical schools, large regional districts and small single-facility districts. Thousands of documents were examined and more than 100 interviews were conducted.

Although the sample represents only a portion of the total number of school districts (616) in New Jersey, the scope of common issues among them was large, and the Commission took pains to inject balance and perspective by examining circumstances in districts of varying size in every region and county across the State. . . . Given that state government in NJ currently provides \$7.7 bil-

lion annually in taxpayer funds to support public education - more than one-fourth of the entire state budget - and that local property taxes account for billions more, it is incumbent that effective mechanisms be in place to ensure that expenditures by school districts are reasonable and appropriate, and that taxpayers are adequately and appropriately informed about how their money is spent. In matters of compensation, benefits and expenses for school district administrative personnel, the State traditionally has deferred the performance of this vital oversight obligation to local boards of education. But as the findings of this investigation amply demonstrate, this generalized "hands-off" approach to these matters has produced a vacuum in which questionable or patently abusive compensation practices have been allowed to flourish. Collectively, these are issues that demand careful consideration and, where necessary and appropriate, practical systemic reforms as recommended at the conclusion of this report."

Could the ones shouting the loudest, have the most to lose if additional education funding is no longer diverted their way? Will we allow the holding of our children's welfare hostage so some administrators can continue to get more funding for their excessive lifestyles? Are we going to continue to be blind to the diversion of attention from the truth, allowing the very people who are to work for our children to work against them by diverting funds from education for private gain? I venture to say no. We must say no and focus on what is truly happening here, the undermining of education driven by greed, vanity and dishonesty.

Help Offer

Do you need help with . . .

Establishing modified recreation programs in your town or city?

Starting an independent student advocacy organization in your district and addressing issues locally?

Responding to an incident or statement or policy that scapegoats children with disabilities or promotes backlash against our children?

Communicating the information about your organization or your events through the media?

Who do you call?

The NJ Student Advocacy Union
908-881-5275 / Advocate@studentadvocate-nj.org
<http://StudentAdvocate-NJ.org>

Post Schaffer: New Era



The impact of the Supreme Court decision in *Brian Schaffer et al v. Jerry Weast* could have dire consequences for millions of current and future special education students across the U.S. The impact will be felt not only by those parents who are forced to or choose to file for due process but by all parents whose opinions might differ from school district personnel at the IEP table. For some, the impact will be swift and immediate. For others, the impact will creep into the IEP process for years to come. For all of us, the results will be that districts are further empowered to override and disregard our concerns. A process already warped in favor of school districts and state departments of education will tilt ever further in that direction.

Firstly, districts will now have less fear of due process and being challenged legally. The task of challenging district decisions will be ever more daunting as the prospects for parents of prevailing have been greatly diminished. The costly venture of taking the district to court will need to be carefully considered as the ability to prevail is weakened. As bold as districts can be, expect a several fold increase in this regard.

The remedies of students and their parents to districts being unfair and in reckless disregard for the welfare of our children are greatly curtailed. There will be either an unspoken grin or an outright gloat by case managers and directors nationwide when parents make reference to legal remedies - even more so than occurs today. It could evolve that due process ends up as nothing more than a bad joke. It is no exaggeration to state that IDEA was decimated by this decision. Law without legal remedy can drift into a state of ineffectiveness.

The majority decision was a response to the political winds that blow through congress to undermine and weaken legal protections under IDEA each time it is reauthorized. The struggles in congress are a very lopsided fight with powerful lobbyists financed by dues paying members of powerful organizations with full political rights on one side, and hands full of 501 C3 and state funded advocates - with no political rights - and some independent advocates and parents on the other.

The best response would be to organize and unify at the local level, on a statewide basis and across the whole country. The NJ Student Advocacy Union believes a parents union is the way to go. However, organization, unity and struggle can take many forms. This newspaper provides several suggestions as to what steps can be taken. You can take our suggestions, modify them to your liking or come up with your own ideas. If you want to work with us on any level, do not hesitate to call 908-881-5275, write advocate@studentadvocate-nj.org or visit <http://StudentAdvocate-NJ.org>

The NJ Student Advocacy Union calls upon the state legislature to pass legislation encoding that burden of proof shall be borne by the school districts. Write today to your NJ Assembly and NJ Senate reps and to Governor Corzine. Our silence in this regard is not an option!

A Parents Initiative for Every Child's Education

The first issue of The NJ Student Advocate was published on behalf of A Parents Initiative for Every Child's Education (APIECE) <http://APIECENJ.com>. The petition for a better implementation of IDEA 2004 in NJ was launched by Bob Witaneck as a member and with the full support of APIECE. APIECE was instrumental in helping to deliver a message on behalf of special education students to the former Secretary of State Regina Thomas. The support of APIECE has been critical to the success of parents efforts to improve the implementation of IDEA 2004 in NJ.

In order to continue the fight on behalf of special education and to develop a political approach to this struggle, we have formed the NJ Student Advocacy Union. Meanwhile,

APIECE continues to play a vital role at the local level in Montgomery Township as well as across the state of NJ around issues of racial disparities in public education, the true implementation of the Amistad Act which calls for implementation of study of African American History in public schools, elimination of the achievement gap and many other areas of importance. APIECE also continues to support the maximal rights of special education students and parents.

For more info about the continuing struggle of APIECE, visit <http://APIECENJ.com> or call APIECE co-founders Jerome and Renee Carr at 908-874-5094.

Meanwhile, The NJ Student Advocate will continue to publish periodically as an organ of the NJ Student Advocacy Union.

Backlash Politics in NJ: Scapegoating Children with Disabilities

Gasoline and health care costs are through the roof. Standards of living are slipping. Property taxes are barely affordable. Almost 50% of NJ school budgets failed. Who do you blame? The disability child? Sound absurd? It certainly is. That is whom some pundits, local boards, columnists, administrators and local board campaigners are blaming.

Scapegoat politics is a classic propaganda method of those who want to focus legitimate anger on an illegitimate target group that is often weak and unable to fend off the attack. When the powerful resort to such methods, it can foreshadow an assault on the target group, either political or sometimes even physical.

It is a particular problem for students and parents when our children are scapegoated by educational professionals and local school boards. How can we expect decency toward our children from education misleaders who are falsely blaming our children? The following are a few recent examples of backlash and scapegoating targeting children with disabilities in and around NJ.

One example is the Upper Freehold Regional School Board. Earlier in this school year, Upper Freehold Regional District was found to be in violation of IDEA laws when it was failing to provide specified speech services to special education students in the district. More recently, the board passed a resolution urging the NJ State Board of Education to adopt a number of anti-student measures in NJ Special Education Code. Local school boards are generally opposed to the rights of children with disabilities and their

parents so passing such resolutions are to be expected. This particular resolution, which can be read from the March 15, 2006 meeting minutes at <http://www.ufrsd.net> has language scapegoating our children for higher taxes and inadequacies of regular education programs. From the resolution:

"WHEREAS, the resulting rise in local property taxes causes tax payer resistance to pay for increasing costs; and . . ."

WHEREAS, the effect of some or all of the preceding factors is a shift in patterns of school expenditures away from the regular population and to the disabled population;"

This UFRSD resolution is an apparent appeal to the anti-tax, anti-education element to focus anger on special education children. The board attempts to divide the families of regular education students from parents of special education students. They are scapegoating special education children for the problems of higher taxes and shortcomings of local public education. In this case, it is not just a random quote from a news article but the official position of the school board.

Another example of a district using scapegoat methods is a couple of towns over, in Mansfield. There, parents also had to file complaints with the state to compel the district to follow IDEA regulations and provide the agreed upon speech sessions for over 60 students. Yet the special education director in that district is quoted in a news article stating "Any issue they bring up, we try to comply with . . . We're trying to make whatever

sacrifices we can without it affecting other students and programs, but it's all about money."

Again, it is a case of an administration that is trying to focus animosity of regular education families against special education children and blame the children with disabilities for shortcomings the district might have in areas of regular education. They are pitting the majority typical families against the families of children with disabilities. Given the nature of the challenges faced by families of children with disabilities, we are currently less positioned to respond to the attacks.

In a recent column in the Philadelphia Inquirer, Jonathan Last focused anger about cuts to the Governors School, a summer school designed for gifted high school students. The Student Advocacy Union supports the full implementation of law to provide modifications to develop gifts and talents of public education students. It is specious though to try to link the failure of government to properly provide mandated gifted programs to special education students. The true sentiment of Last was exposed in his last words of the column where he refers to special education students as offering the "least" promise. Here is how Last put it: "A society that ignores children with the most promise is no better than a society which shuns those with the least."

Another example where scapegoat backlash made an appearance was in the recent board elections in Woodbridge, NJ where a special education parent was vying for a

school board seat. According to campaigner Evelyn Delgado, there was a rumor mill that spread divisive falsehoods suggesting that the special education parents wanted to cut the football program to fund special education.

The increasing frequency of use of scapegoat tactics by school boards, special education directors, newspaper columnists and board campaigners are an ominous cloud of warning. Expect more of the same ahead as the political assault on the needed services and rights of our children increase. Beware of the danger that when the weak are blamed for social ills, it can get ugly and even physical.

We should arm ourselves with the sense to recognize the use of the device of backlash and scapegoat politics. If allowed to develop further, such sentiment can lead to great harm to our children.

Whenever the would-be scapegoaters try to blame our children, we need to say: "Our children will not be your patsy!" If there are comments in the newspaper or actions of a government or board, we need to respond publicly in letters, press releases and other public statements. We need to recognize when our children are the focus of such venom, even if it is another community. The attacks can easily broaden from one town to the next. We need to respond publicly and in a unified way. If you believe you see or hear about scapegoating of children with disabilities, please contact the NJ Student Advocacy Union at 908-881-5275 or advocate@studentadvocate-nj.org. We are on standby, to assist in developing responses to such incidents..

Why you should join the NJ Student Advocacy Union:

We get no state funds, are not 501C3 or foundation supported, yet we are having statewide and local impact on many important education issues.

We are at the forefront of the effort to defend the rights of student with disabilities and their families against the potentially harmful changes of IDEA 2004.

We have activated over 2000 residents through a petition and letter writing drive.

We are holding educational events and attending community fairs to raise awareness around many important education issues.

The first issue of The NJ Student Advocate provided resources and information promoting the best possible implementation of IDEA 2004 in NJ.

This issue provides the methods and techniques that can be used to improve the predicament of special education students at the local, statewide and national level.

We are reaching out across the diverse communities and diverse organizations throughout New Jersey to promote the idea of active convergence of our efforts to build a better public educational system throughout the state that meets the needs of all students.

We are championing the cause of students facing adversity due to disability, racial disparities or economic inequity.

We are promoting the concept of building independent student, parent and community structures in our districts and towns to address the many issues of challenge that we face in public education.

We are ready to assist you in organizing in your district and community.

Please consider becoming a member and supporter today with the coupon at right.

Visit Early . . . Visit Often! <http://StudentAdvocate-NJ.org>
ADVOCATE@STUDENTADVOCATE-NJ.ORG / 908-881-5275

NJ Student Advocacy Union
PO Box 1214
Belle Mead, NJ 08502-6214



Please clip and mail with donation made payable to:

NJ Student Advocate, PO Box 1214,
Belle Mead, NJ 08502-6214

YES! Please count me in as a: ☐ Member and / or ☐ Supporter
of The NJ Student Advocacy Union..

Enclose is my check for (suggested membership dues is \$40):

\$100 ☐ \$50 ☐ \$40 ☐ \$20 ☐ \$10 ☐ \$1 ☐

or enter amount:

Name

Address:

City:

State: Zip:

Phone 1: Phone 2:

E-Mail: